IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 12265 of 2004

Between:

B.Venkateswara Reddy S/o B.Venkata Reddy
H.No.40/814-7B, Srinivasa Nagar, Kurnool-518 004

..... PETITIONER

AND

1 The Superintendent of Police Anantapur, Anantapur District
2 The Station House Officer, Anantapur Rural Police Station, Anantapur
3 M.R.Srinath, Asst. General manager, Deccan Chronicle, Andhra Bhoomi Newspapers, H.No.6-690, Kovvurinagar Anantapur 515 004
4 T. Venkatarami Reddy , Managing Director, Deccan Chronicle, Andhra

Bhoomi Newspapers 36, Sarojini Devi Road, Secunderabad -500 003

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.1 and 2 herein in not initiating any action against the 3rd and 4th respondent pursuant to the complaint lodged by the petitioner on 5/07/2004 as illegal arbitrary, unjust and consequently direct the respondent no. 1 and 2 herein to forthwith act upon the complaint dt. 5/07/2004, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.EDIGA MALLIKARJUNA

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent Nos.3 and 4:MR.A.CHANDRA SEKHAR

The Court, at the admission stage, made the following:

ORDER:

This is one of the instances of gross misuse of process of the Court and wasting time of the Court and other functionaries with frivolous petitions.

The petitioner claims to have submitted a complaint dated 05.07.2004, before the Station House Officer, Anantapur, Rural Police Station, alleging that respondents 3 and 4, his employers, have furnished wrong information before the Provident Fund authorities, stating that he (petitioner) ceased to be their employee with effect from 31.10.1999; whereas, even according to their own complaint dated 02.06.2004, the petitioner was shown as being still in employment. The petitioner seeks a writ of Mandamus declaring the inaction of respondents 1 and 2 in taking steps against respondents 3 and 4.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for respondents 1 and 2, and Sri.A.Chandra Shekar, learned counsel appearing for respondents 3 and 4.

A perusal of the complaint dated 05.07.2004, discloses that the petitioner wants respondents 1 and 2 to take action against the respondents 3 and 4 for their alleged mis-statement of facts, before the authorities of the Provident Fund. The petitioner summed up his grievance as under, in the complaint.

> "That while I was working I requested the management to pay the salary, but they have dodged the matter and stated that the same would be paid. Ultimately they have stating that I am not at all the employee of their concern and stating all falsehood."

Even if the contents of the complaint are taken on their face value, at the most, it discloses a dispute under the Industrial Disputes Act or the Payment of Wages Act. By no stretch of imagination, the contents can constitute any crime punishable under Indian Penal Code, or any other analogous law. The orders passed in various proceedings, that ensued between the petitioner, on the one hand, and respondents 3 and 4, on the other hand, disclose that the petitioner intended to some how or the other exert pressure on the investigating authorities in the matters. In the very nature of the proceedings, respondents 1 and 2 cannot be expected to take any action.

The writ petitioner has earlier approached this Court by filing W.P.No.21355 of 2001 alleging that the respondents are pressurising him to withdraw complaint filed by him. The D.G.P. filed a counter affidavit. A finding was recorded to the effect that there is no truth in the allegation of the petitioner and the writ petition was dismissed.

This Court is of the view that the petitioner is indulging in filing false complaints and pressurising the respondents by filing writ petitions, one after another. Hence, the writ petition is dismissed with costs of Rs.2,000/- (Rupees two thousand only).

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22.11.2004

VGB

To

1 The Superintendent of Police Anantapur, Anantapur District
2 The Station House Officer, Anantapur Rural Police Station, Anantapur

3 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

4 2CD copies